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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,431	07/14/2005	Yasuharu Yamauchi	SONYJP 33-1058	2750
530 7590 09/24/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER CHOW, VAN NGUYEN	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 09/24/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,431

Applicant(s)

YAMAUCHI, YASU HARU

Examiner

VAN N. CHOW

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-8 and 11-16 is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed on 06/09/2009 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sako et al (JP 2000-011535: [wherein US 2004/0081044 A1 is relied upon as a US translation thereof]) in view of Sako et al. (US 7,702,260).

Regarding claim 1, Sako discloses a recording method for recording data in a recording media by a recording device (Figs. 16-23), said recording method comprising:

reading from the recording media identifying information which identifies the recording media (Figs. 19 and 22; [0102], [0095], [0089], and [0032]...fourth identification information for identification of the information recording medium recorded on the information recording medium is reproduced);

recording the data on the recording media only when the read identifying information is the same as stored identifying information which was stored in the recording device prior to the reading step being carried out (Fig. 19; Fig. 21, element 12; [0096]). However, does not teach

wherein the step of recording the data includes encoding the data by key data formed by using the identifying information, and recording the encoded data in the recording media.

Sako ('260) teaches wherein the step of recording the data includes encoding the data by key data formed by using the identifying information, and recording the encoded data in the recording media (Fig. 2 and col. 8, lines 7-20, and see figs. 13-14, element 161 (individual identification), element 166 (encryption 167, and the key) from an encryption circuit 166, then encrypted by the encryption circuit 166 using at least a part of information of the individual ID data from the individual ID identification circuit 161 as an encryption key, and taken out from an output terminal 167).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sako ('044) to include the teachings of Sako ('260) where encoding the data by key data is formed by using the identifying information, and recording the encoded data in the recording media. The modification would have been obvious for the benefit of the encrypted data output becomes an encrypted output proper to the individual ID data and having extremely high safety (see Sako '260, col. 8, lines 30-33).

Regarding claim 9, A recording device for recording data in a recording media (Fig.18); said recording device comprising: reading means for reading from the recording media identifying information which identifies the recording media (Figs. 18 and 21, element 14; Fig. 17, element 162 and [0102]); storing means for storing the identifying information (Fig. 21, element 18; Fig. 18, element 12 and [0103])...CPU 11 stores the recording disk ID into the EEPROM; [0096]...apparatus stored in the ROM) and discriminating means (Figs. 18 and 21, element 11) for discriminating whether the identifying information read by the reading means

(Fig. 17, element 162) is the same as stored identifying information which was stored in the storing means ([0096]), wherein when the discriminating means [CPU 11] discriminates that the identifying information read by the reading means is the same as the stored identifying information which was stored in the storing means, the data is recorded in the recording media (Fig. 19, elements \$84, \$83), and wherein when the discriminating means [CPU 11] discriminates that the identifying information read by the reading means (Fig. 17, element 162) is different from the stored identifying information which was stored in the storing means [ROM 12], the data is not recorded in the recording media ([0097]). However, does not teach wherein the data is encoded by key data formed by using the identifying information and the encoded data is recorded in the recording media.

Sako ('260) teaches wherein the step of recording the data includes encoding the data by key data formed by using the identifying information, and recording the encoded data in the recording media (Fig. 2 and col. 8, lines 7-20, and see figs. 13-14, element 161 (individual identification), element 166 (encryption 167, and the key) from an encryption circuit 166, then encrypted by the encryption circuit 166 using at least a part of information of the individual ID data from the individual ID identification circuit 161 as an encryption key, and taken out from an output terminal 167).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sako ('044) to include the teachings of Sako ('260) where encoding the data by key data is formed by using the identifying information, and recording the encoded data in the recording media. The modification would have been obvious for the benefit

of the encrypted data output becomes an encrypted output proper to the individual ID data and having extremely high safety (see Sako '260, col. 8, lines 30-33).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Allowable Subject Matter

5. The following is an examiner's statement of reasons for allowance:

Claims 3-8 and 11-16 are allowed.

The reasons for allowance are indicated in the Remarks filed on 06/09/2009.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN N. CHOW whose telephone number is (571)272-7590. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Van N. Chow/
Examiner, Art Unit 2627

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627